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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/669,663	09/26/2000	Katsuhito Fujimoto	826.1627/JDH	4750

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STAAS & HALSEY LLP  
SUITE 700  
1201 NEW YORK AVENUE, N.W.  
WASHINGTON, DC 20005

EXAMINER

SAFAIPOUR, HOUSHANG

ART UNIT

PAPER NUMBER

2627

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/669,663	<b>Applicant(s)</b> FUJIMOTO ET AL.	
	<b>Examiner</b> Houshang Safaipoor	<b>Art Unit</b> 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 3-28 and 30-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11 and 14 is/are allowed.
- 6) ☒ Claim(s) 3-10, 12, 13, 15-28 and 30-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

Applicant's amendment filed on August 22, 2005 has been entered and made of record.

### ***Response to Argument***

In response to rejection of claim 3, applicant argues that the cited reference by Seeger "says nothing at all about calculating a gray level difference" and by referring to col. 8, he argues "an offset value is not a difference". Examiner respectfully disagrees. Seeger, in his flow diagram 600 discloses generation of background image (col. 7, line 9 through col. 8 line 16) and further discloses that this image is "used for determining the offset value(s) in accordance with box 502". Box 502 (col. 5, lines 34-49) defines global and local offset values and explains that they are "computed based upon the average difference between the background threshold surface pixel value...".

With respect to claim 4 and the claims depending on claim 4, applicant argues that in Hongo's reference "judgment is part of the binarization process". Examiner respectfully disagrees. Hongo discloses that binarizing is performed on the basis of a judgment. This indicates that Hongo utilizes the results of the "judgment" to perform binarization. Please refer to fig. 1, col. 3, line 64 through col. 4, line 43. Hongo talks about "pixel density difference", "average density values" and "background density value". The use of "pixel density" (which is known in the art as being "pixel values or intensities") in Hongo's calculations is an evidence of processing a gray scale image prior to generation of binarized signal.

Therefore, examiner maintains his rejection for independent claims 4, 23, 26, 31, 32 and their dependent claims.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claim 3 is rejected under 35 U.S.C. 102(e) as being anticipated by Seeger et al. (U.S. Patent No. 6,577,762).

Regarding claim 3, Seeger et al. discloses an image processing apparatus, comprising:

A background judgment device judging whether a target pixel is a background pixel using a gray level difference and a standard deviation of gray levels of pixels in a vicinity area of the target pixel on receipt of a multilevel image, wherein the gray level difference is an amount which is calculated based on a difference between an average gray level of white pixels in the

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vicinity area of the target pixel and an average gray level of black pixels in the vicinity area of the target pixel (col. 6, line 63 through col. 9, line 17 and claim 1, line 64-67 and also the argument given above).

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 4-10, 12, 13, 15-28 and 30-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Hongo et al. (U.S. Patent No. 4,903,316).

Regarding claim 4, Hongo et al. discloses an image processing apparatus, comprising:  
a background judgment device judging for each target pixel whether the target pixel is a background pixel on receipt of a multilevel image; and a local binarization device locally binarizing the target pixel, judging which of a background and a stroke the target pixel belongs to, and outputting a binary image if it is judged that the target pixel is not the background pixel (abstract and col. 8, lines 10-17).

Regarding claim 5, Hongo et al. discloses the apparatus according to claim 4, wherein said local binarization device uses an amount which is calculated based on an average and a standard deviation of gray levels of pixels in the vicinity area of the target pixel as a binarization threshold for the target pixel (col. 3, lines 45-61).

Regarding claim 6, Hongo et al. discloses the apparatus according to claim 5, wherein the

amount which is calculated based on the average and the standard deviation of the gray levels of the pixels in the vicinity area of the target pixel is calculated based on a sum of the average and a constant-multiple of the standard deviation (col. 5, lines 3-20).

Regarding claim 7, Hongo et al. discloses the apparatus according to claim 5, wherein the vicinity area of the target pixel is a rectangular area of  $N \times N$  with a prescribed number of pixels  $N$  and the target pixel located at a center (col. 4, lines 59-66).

Regarding claim 8, Hongo et al. discloses the apparatus according to claim 4, wherein said background judgment device judges whether the target pixel is the background pixel, using a standard deviation of gray levels of pixels in the vicinity area of the target pixel (col. 5, lines 22-24 and col. 3, lines 43-61).

Regarding claim 9, Hongo et al. discloses the apparatus according to claim 8, wherein said background judgment device judges whether the target pixel is the background pixel under a background judgment condition of  $\sigma < \sigma_{\min}$  with  $\sigma$  as the standard deviation in the vicinity area of the target pixel and  $\sigma_{\min}$  as a prescribed constant (col. 4, lines 10-43).

Regarding claim 10, Hongo et al. discloses the apparatus according to claim 4, wherein said background judgment device judges whether the target pixel is the background pixel using a standard deviation of gray levels and a gray level difference of pixels in the vicinity area of the target pixel (col. 5, lines 22-24 and col. 3, lines 43-61).

Regarding claim 12, Hongo et al. discloses the apparatus according to claim 10, wherein said background judgment device judges whether the target pixel is the background pixel under a background judgment condition of  $g < g_{\min}$  with  $g$  as the gray level difference in the vicinity of the target pixel and  $g_{\min}$  as a prescribed constant (col. 8, lines, 10-51).

Regarding claim 13, Hongo et al. discloses the apparatus according to claim 10, wherein the gray level difference is an amount which is calculated based on a difference between an average gray level of white pixels in the vicinity area of the target pixel and an average gray level of black pixels in the vicinity area of the target pixel (col. 3, lines 55-61).

Regarding claim 15, Hongo et al. discloses the apparatus according to claim 4, further comprising:

a line element restriction device executing a process of the obtained binary image based on a ratio of black pixels in a shape-fixed line element mask including the target pixel and outputting a binary image (col. 8, line 10 through col. 9 line 49).

Regarding claims 16-19, 24 and 27 arguments analogous to those presented for claim 15 are applicable to claims 16-19, 24 and 27.

Regarding claim 20, Hongo et al. discloses the apparatus according to claim 4, further comprising:

a stroke separation device applying a partial pattern in a gray scale image corresponding to a black pixel joint element in the obtained binary image and separating strokes of different gray levels (col. 3, lines 45-61).

Regarding claim 21, Hongo et al. discloses the apparatus according to claim 20, wherein said stroke separation device judges whether to perform a stroke separation using one of an inter-class dispersion and a dispersion ratio between different strokes (col. 3, lines 45-61).

Regarding claim 22, Hongo et al. discloses the apparatus according to claim 4, wherein said local binarization device judges which of the background and the stroke a pixel, which is judged to be the background pixel by said background judgment device, belongs to based on a

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gray level of the pixel (col. 3, lines 45-61).

Regarding claims 23 and 31, arguments analogous to those presented for claim 4 are applicable to claims 23 and 31.

Regarding claims 25 and 28, arguments analogous to those presented for claim 20 are applicable to claims 25 and 28.

Regarding claims 26, 30, 32 and 33, arguments analogous to those presented for claim 4 are applicable to claims 26, 30, 32 and 33.

***Allowable Subject Matter***

Claims 11 and 14 are written in an independent form and, therefore, are allowable.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.



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***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Houshang Safaipoor whose telephone number is (571)272-7412.

The examiner can normally be reached on Mon.-Thurs. from 6:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L Coles, Sr. can be reached on (571)272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Houshang Safaipoor  
Patent Examiner  
Art Unit 2622  
November 10, 2005

JOSEPH R. POKRZYWA  
PRIMARY EXAMINER  
ART UNIT 2622  
